

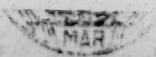
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THE  
C A S E  
O F  
BRISTOL ELECTION.  
WITH  
Mr. *COSTER*'s CASE,

As it was presented to the MEMBERS some small Time  
before there was a HEARING.

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## *The CASE of* BRISTOL Election.



BRISTOL was an antient corporate Borough, and so continued until about the 34 *H. VIII.* when by his Charter it was form'd into a City.

Amongst other Antient Privileges belonging to this City, it hath that great and valuable one of sending Two Members to represent it in Parliament.

The Right of Election is, and hath always used and been taken to be in the FREEHOLDERS and FREEMEN of the City, wheresoever resident; in the Freeholders as a real Right and Privilege annex'd to their Freeholds; in the Freemen as a personal Right and Privilege, inherent and inseparably incident to their Freedoms, and accordingly they have for Ages past, continued in the Exercise and Enjoyment of such their respective Rights.

At the late Election of Representatives in Parliament for this City, the Candidates were the Honourable JOHN SCROPE, Esq; Sir ABRAHAM ELTON, Bart. and THOMAS COSTER, Esq;

The Election begun on *Wednesday* the 15 of *May* 1734, in the *Guild-hall* of the City, and (through the prudent Deportment of those who appeared for Mr. COSTER) was carry'd on with remarkable Peace and good Order, as was acknowledged not only by the Sheriffs (who presided at the Election) but by Mr. SCROPE Himself, and all who attended on that Occasion.

On *Thursday* Afternoon, 23 of *May*, Mr. SCROPE having polled off all the Votes his Friends could possibly collect, perceiving a Majority then against and increasing fast upon him, left the Court, and the next Morning Mr. COSTER, though he could have polled many more, yet having already a vast Majority of Mr. SCROPE, found it needless to give the Sheriffs any further Trouble, so consented that the Poll should be closed, and upon casting up the Poll, had a Majority of 205 of Mr. SCROPE; whereupon the Sheriffs sent to know of Mr. SCROPE whether he had any Objections, and receiving for Answer, that he had not, and no Scrutiny being demanded, they declared Sir ABRAHAM ELTON and Mr. COSTER duly elected, and sign'd a Return accordingly in open Court.

Notwithstanding the *great Regularity* and *Fairness* of this Proceeding, and Mr. COSTER having been thus duly elected and returned, some Friends of Mr. SCROPE's are using their utmost Efforts to frustrate this Election, and with that View have got prepared a Petition as for an *undue Election* and *Return*, under Pretence that several of those who voted for Mr. COSTER were disqualified to Vote at such Election.

Their Objections are, That some of those Voters had Children in Hospitals, and that Others of them had received Charitable Benefactions at *Christmas*, *Easter*, &c.



It is admitted that there are several Donations left by well-disposed People, to be distributed amongst poor House-Keepers of the City of *Bristol*: But then, such as receive Alms are expressly excepted out of all or the greatest Part of such Benefactions: And as to Children in Hospitals, they are Maintain'd and Educated out of its own Revenues, and by the Beneficence of its Founders, and are not in the least burthen some to the City.

But supposing such Voters should be deemed *disqualify'd*, it appears upon the most *exact Scrutiny*, that Mr. SCROPE has at least an *equal* Number of such Voters, if not MORE than Mr. COSTER.

It is observable, That the Chargeable Poor of *Bristol* are under the Management and Care of a CORPORATION, erected by Act of Parliament for that Purpose, who keep Books wherein are enter'd the Names of all who have Relief, and true Copies of these Books were before the Sheriffs during the whole Election.

It is farther observable, That Persons under like Circumstances with those objected to, have been accustomed to vote at *all former Elections*; and that what some of Mr. SCROPE's Friends would now object as Disqualifications, have, till *now*, been admitted to be *otherwise* by Mr. SCROPE Himself, he having sat in the last Parliament for Seven Years under a *great Number* of like Votes, poll'd many of the *same Sort* at This very Election, and *even solicited* (though unsuccessfully) the Votes of most of those individual Persons, whom some of his Friends would now disqualify. There are also these remarkable Circumstances in the Case; That Mr. SCROPE practised formerly as a Council in the City for several Years; That at the Time when the Election came on, he was (as he is yet) Recorder of the City, and in that Quality had often attended its Goal Delivery: Consequently, he could not but be well acquainted at the Time of Election with the Fundamental Constitution and Franchises of the City, and what were Qualifications and Disqualifications in the Electors of its Representatives. Further, The SHERIFFS Themselves, for their better Guidance in Taking the Poll, were attended at their Request, by the *Steward of the Sheriffs Court*, (AGENT of the BAR) when on all proper Occasions they consulted: Besides which, the NEPHEW of Mr. SCROPE, *Francis Fane*, Esq; attended also on his Behalf, to see there was a *fair* and *due* Election.

The Truth is, such extraordinary Vigilance and Circumstances were used on Mr. SCROPE's Behalf, from the Commencement to the Close of the Poll, and there was so strict an Enquiry made both by Mr. SCROPE and his Friends into the Qualifications and Disqualifications of those who offer'd their Votes against him, that the whole Election throughout was, in Effect, a SCRUTINY.

THE



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T H E  
C A S E  
O F  
THOMAS COSTER, Esq;

Sitting Member for the City of *Bristol*.



*RISTOL* is an antient Borough, and Town Corporate, consisting formerly of a Mayor, two Bailiffs, and an indefinite Number of Burgeses, and sends two Members to Parliament by Prescription.

47 Edw. III. At the Request of the Mayor, Baiiffs, and Community of the Town of *Bristol*, and in Consideration of Services of 600 Marks paid by the Burgeses, the King grants, that the said Town, with its Suburbs and Precincts, shall be seperated from the Counties of *Gloucester* and *Somerset*, and that they shall have one Sheriff, to be appointed annually from amongst the Burgeses; and further grants to the said Burgeses, their Heirs and Successors forever, That the said Town of *Bristol* shall not be burthened to send to the Parliament of the King, or his Heirs, but Two Men only, as it before used to be; which Two Men shall be holden to answer in Parliament, as Knights of the County of *Bristol*, as well as Burgeses of the Town and Borough of *Bristol*, for the said Town and Borough.

The first Appointment of 40 Men, ses, That if any Difficulties should be in any since call'd the of their Customs, the Mayor and Sheriff, with Common-Council. the Assent of the Community, may elect 40 Men, who with the Mayor and Sheriff should have Power to order and establish a competent Remedy in the Cases aforesaid, such as should be agreeable to Reason, and profitable to the Community, and to assess and levy necessary Taxes to be expended for the Good of the Town. And the King further grants to the Burgeses, That notwithstanding the said Grants, or any thing therein contained, the Burgeses, their Heirs, &c. should enjoy all such Liberties, Customs, &c. which they had ever used or enjoyed by any Grants of the said King, or his Predecessors, or otherwise, Time beyond Memory.

15 Hen. VII. The King grants to the Mayor and Commonalty, That they shall have Six Aldermen, with like Powers as Aldermen of *London*, to be chosen for the first Time by the Mayor and Common-Council, and always after by the Alder-



Aldermen. It is further ordered by this Charter, That the Office and Appointment of one Sheriff shall cease, and that the two Bailiffs, to be chosen as of old had been used, shall likewise be Sheriffs of the County, and to be sworn into and execute both Offices. And the Mayor and two of the Aldermen, instead of the Sheriff as before, are (with the Assent of the Commonalty) to chuse the Forty Common-Council-Men; with the same Powers as were granted to them by the said Charter of 47 *Edward III.*

34 Hen. VIII. The King by Charter erecting the Bishoprick of *Bristol*, orders that the Town of *Bristol* shall be a City, and called the County of the City of *Bristol*.

23 Eliz. The Queen grants that they shall have Six more Aldermen added to the former Six with the like Powers.

According to the Directions of these and other Charters, the City of *Bristol* is at present govern'd by a Mayor, two Sheriffs, (who are also Bailiffs of the Mayor and Commonalty, and the Returning Officers) twelve Aldermen, (of whom the Recorder is one) and twenty-eight other Burgeses, making in all forty three, call'd the Common-Council, and the Community consists of about 4000 Burgeses.

Right of Election. Before the 47th of *Edward III.* the Members to serve in Parliament were chose by the Burgeses only; since that time the Freeholders have voted, the Members being to answer as Knights of the County and Burgeses of the Town and Borough of *Bristol*.

From the Reign of *Henry IVth*, when by Act of Parliament, the Returns were required to be made by Indentures, it appears that such Indentures were generally executed between the Sheriff, and the Mayor, and Freeholders, of 40 s. *per Annum*, and Burgeses; and the Elections are said to be made in Conjunction with or by the Consent of the *Burgeses, Commonalty, or whole Community*; and the Persons so chosen and returned, are impowered to answer as Knights of the County as well as Burgeses of the said Town.

From the 34th of *Henry VIII.* when *Bristol* was made a City, the Writs and Returns generally mentioned the Choice of two Citizens, and sometimes they are said to be impowered to answer as Knights as well as Burgeses for themselves, and the whole Commonalty of the City and County.

Since the Restoration, the Returns often mentioned the Election to be made by Citizens to the Number of 2000, 1000, or some other large Number, and till within these 30 Years, that Houses have been built upon Ground which was before of little or no Value, the Number of Freeholders could not amount to so many as three hundred.

As far as the Memory of Men alive can go, it will be proved, That it never was doubted but the Right of Election was in



in the Mayor, Aldermen, Common-Council, and all the Burgesſes, (except ſuch as receive publick Relief from Pariſhes or Alms-Houſes, and all the Freeholders of the County of *Briſtol*, qualified according to Law.

This was the Right, univerſally agreed at the conteſted Elections in 1679, 1680, 1689, 1695, 1705, 1710, 1713, 1714, 1721, 1727; and this was allowed at the laſt Election on all Hands to be indiſputably the Right, and each Perſon's Vote (if required) was regularly ſcrutinized, by obliging every Burgeſs to produce the Copy of his Freedom, and putting every Freeholder to his Oath; and alſo by examining the general Book of all the Pariſh Rates, (commonly called the Mint-Book) and receiving Evidence as to the Alms-Houſes.

The Poll continued from the 15th of *May* to the 24th, without the leaſt Objection being dream'd of to the Right of Election being as is above ſtated.

Mr. *Scrope* gave up, and therefore Mr. *Coffer* thought it needleſs to poll any more, tho' he had ſeveral more Votes ready to poll. When the poll was cloſed by Conſent of all the Candidates, the Number ſtood,

For Sir <i>Abraham Elton</i>	-	2428
For Mr. <i>Coffer</i>	- - -	2071
For Mr. <i>Scrope</i>	- - -	1866
Majority for Mr. <i>Coffer</i>		205

And accordingly Sir *Abraham Elton* and Mr. *Coffer* were returned by both the Sheriffs without any Objection made either by the Candidates or any of the Electors.

Notwithſtanding which, there are two Petitions preſented, one by the Mayor, Aldermen and Common-Council (who are in all 43 in Number, and have the Cuſtody of the Common-Seal) in the Name of the Mayor, Burgeſſes and Commonalty, and the other by ſeveral Perſons calling themſelves Freeholders and Burgeſſes *Inhabitants* of the City and County of the City of *Briſtol*, complaining that Mr. *Coffer* was unduly returned.

The ſpecial Allegations of theſe Petitions are ſo clearly without Foundation, that it is not poſſible to conjecture what Kind of Right they will endeavour to ſet up; whether they will attempt to have it placed in the Inhabitants, to the Excluſion of the Burgeſſes and Freeholders who do not reſide, or in the Mayor, Aldermen and Common-Council only, or in them and the Freeholders, to the Excluſion of near 4000 Burgeſſes, amongſt whom are moſt of the eminent Traders and Merchants.

But no new Right of Election can be ſtarted, which will not be contrary to all the Charters and uninterrupted Uſage of the Place.





